

IN THE CLAIMS:

Please cancel claim 1, amend claims 2 and 3, and add claim 8 as follows:

Claim 1 (Canceled).

Claim 2 (Currently Amended): The optical head apparatus according to ~~claim 1~~ claim 3,
wherein

said movement unit includes a magnetic field generator for generating a magnetic field
with an intensity corresponding to the control signal, and a magnet integrally provided with said
immersion lens, and

said controller outputs a control signal for the magnetic field generator to generate a
magnetic force for moving said immersion lens to the position higher than the height of the
foreign material in accordance with the detection result of said detector.

Claim 3 (Currently Amended): An optical head apparatus on an optical path of a light
beam between an objective lens and an information recording medium, comprising:

an immersion lens positioned at a floating height with respect to a surface of the
information recording medium;

a detector that measures a height of a foreign material on a surface of the information
recording medium;

a controller for outputting a control signal corresponding to the height of the foreign
material if the height of the foreign material is ~~larger~~ higher than the floating height of the
immersion lens and for outputting no signal if the height of the foreign material is lower than the
floating height of the immersion lens; and

a movement unit that moves the immersion lens to a position higher than the height of the foreign material, the movement unit moving the immersion lens by a distance corresponding to the control signal.

Claim 4 (Previously Presented): The optical head apparatus of claim 3, wherein the detector is arranged at an upstream position of the immersion lens in a rotational direction of the information recording medium.

Claim 5 (Previously Presented): The optical head apparatus of claim 4, wherein the detector is arranged in a same radial position as the immersion lens.

Claim 6 (Previously Presented): The optical head apparatus of claim 3, further provided with an illumination light source that illuminates an incident light beam toward the surface of the information processing medium, wherein the illumination light source is oriented in a manner such that the incident light beam is reflected on the surface of the information recording medium in a first direction when the information recording medium is free from foreign material, and, if a foreign material is disposed on the surface of the information recording medium, the incident light beam is scattered by the foreign material in a second direction toward the detector.

Claim 7 (Previously Presented): The optical head apparatus of claim 6, wherein the detector generates a light detection signal proportional to an amount of incident light that is scattered by the foreign material.

Claim 8 (New): The optical head apparatus of claim 3, further provided with a delay

B1 circuit that delays the control signal by a predetermined time.
